

REMARKS

Upon entry of the present amendment, claims 3 and 5-6 will remain pending in the above-identified application and stand ready for further action on the merits.

The amendments made herein to the specification and claims do not incorporate new matter into the application as originally filed. For example, the specification has been amended at pages 1, 3 and 10 to correct minor typographical errors and to make the application read better. Regarding the amendments to claims 3 and 6, claim 3 has been amended to recite limitations previously found in claim 4 (now cancelled), while claim 6 has been amended to recite limitations previously found in claim 3 as originally presented, and thereby put claim 6 in an independent format.

Elections/Restrictions

Applicants acknowledge their prior election, and have cancelled withdrawn claims 1-2 in the present response. Applicants reserve the right to file a divisional application on non-elected claims 1-2.

Specification

Applicants have reviewed the specification and have made corrections at pages 1, 3 and 10 to correct minor errors, of which

Applicants have become aware of. As indicated above, correction of the errors does not constitute new matter.

Claim Rejections Under 35 USC § 103

Claim 3 has been rejected under 35 USC § 103(a) as being unpatentable over Koshiba et al. (US 4,963,463). Reconsideration and withdrawal of the rejection is requested based upon the following considerations.

Claim 3 has been amended to incorporate limitations previously found in claim 4. Accordingly, because claim 4 was not rejected over the cited Koshiba et al. reference, it follows that amended claim 3 is also patentable over the same reference.

Double Patenting Objection

Original claim 3 was provisionally objected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 4 of co-pending application serial no. 09/893,569. Reconsideration and withdrawal of this provisional rejection is requested based upon the amendment of claim 3 herein to recite limitations previously found in claim 4. It is submitted that instantly amended claim 3 is in no way obvious over claim 4 of the co-pending application serial number 09/893,569, such that the

provisional obviousness-type double patenting rejection must be withdrawn.

Allowable Subject Matter

Applicants appreciate the Examiner's statement that claims 4-6 contain allowable subject matter. As indicated above, claim 3 has been amended to recite limitations previously found in claim 4. As such, it is submitted that each of pending claims 3 and 5-6 are now in condition for allowance.

CONCLUSION

Based upon the amendments and remarks presented herein, the Examiner is respectfully requested to issue a Notice of Allowance clearly indicating that each of pending claims 3 and 5-6 are allowed and patentable under the provisions of Title 35 of the United States Code.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John W. Bailey (Reg. No. 32,881) at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

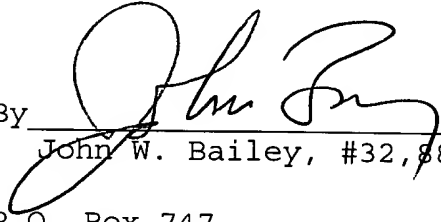
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overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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By


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